

Application No.: 09/386,775

Docket No.: 00-VE13.51

REMARKS

The Office Action dated June 3, 2005 has been carefully reviewed and the following remarks are made in consequence thereof. Claims 1-17 were pending. Applicants have added new claim 18 herein. Accordingly, claims 1-18 are now pending. The Examiner has rejected claims 1-17 under 35 U.S.C. §102(e). The Examiner has also rejected claims 3-15 under 35 U.S.C. §103. Applicants have amended claims 16. Applicants respectfully request reconsideration of the pending claims in view of the following remarks.

I. Rejection of Claims 1 – 15 Under 35 U.S.C. §102(e)

Claims 1 – 15 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,943,404 to Sansom (“Sansom”). Claims 1 and 2 are independent claims, and claims 3-15 depend, directly or indirectly, from claim 2.

Claims 1 and 2 recite a method and a system, respectively, useful in providing uninterrupted digital communications between a central office and customer premises. Both claims 1 and 2 employ the following elements:

a local loop generation mechanism in series with a communications path between a central office and a customer, and

a frequency-selective filter in parallel with the local loop generation mechanism to provide a bypass across the local loop generation mechanism.

The Examiner asserts that Sansom discloses all of the elements of claims 1 and 2 above. Applicants respectfully submit that Sansom discloses neither a local loop generation mechanism nor a frequency selective filter in parallel with the local loop generation mechanism to provide a bypass. Therefore, Applicants respectfully request that the Examiner withdraw his rejections.

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Sansom is directed to a system and method of providing POTS ("plain old telephone service") analog phone service to a customer in the event of a power outage. Upon the occurrence of a power outage, a relay disconnects a digital ISDN communications path and connects a second communication path. This second path allows the transfer of analog voice communications from a POTS analog telephone to a central office, by passing the analog voice signal through an analog to digital converter and then into an ISDN communications path. In so doing, Sansom utilizes: a monitor mechanism (including a microcontroller 220) to monitor system power status; a 10KHz tone detector 268, which sends information to the microcontroller 220; and the analog/digital converter mentioned above. *See, generally, Col. 11, line 44 – Col. 14, line 45.*

Sansom Does Not Disclose a Local Loop Generation Mechanism

The Examiner relies on the monitor mechanism of Sansom as a local loop generation mechanism. *Office Action, p.2.* Applicants respectfully submit the monitoring mechanism of Sansom is not a "local loop generation mechanism," as recited in claims 1 and 2. The monitoring mechanism of Sansom "is operative to monitor status information signals being conveyed over said communication link from said network termination interface associated with the power status of said network termination interface" and to operate a switch based upon a particular change in the status. *See, Col. 31, lines 12-21.* In contrast, a local loop generation mechanism selectively forms one or more local loops whereby information can be transferred throughout the loop without passing through the Central Office. Examples of local loop generation equipment, as set forth in the background of the application, include such things as security systems, doorbell answering devices, and access control mechanism. The monitoring mechanism of Sansom has nothing to do with a local loop generation mechanism.

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The failure of Sansom to disclose a local loop generation mechanism is a first reason why independent claims 1 and 2, and thus dependent claims 3-15, are allowable over the cited prior art.

Sansom Does Not Disclose a Frequency Selective Filter

Further, Applicants submit that Sansom does not disclose a "frequency selective filter," as recited in claims 1 and 2. The Examiner alleges that "the auxiliary digital/analog interface 250 or 750 or the 10 KHz tone detector 268" of Sansom is a frequency-selective filter.

Applicants respectfully disagree. A frequency-selective filter is a device that permits signals of a certain frequency to pass, but blocks signals of other frequencies. In contrast, Sansom states that "[t]he auxiliary digital/analog interface 250 is operative to convert sampled analog voice signals received over the local loop 240 from the auxiliary analog (POTS) telephone 25 into digital communication signals, such as 64 Kbps digitally formatted voice signals" *See, col. 13, lines 13-18.* Similarly, Sansom states that "Digital/analog interface 750 converts sampled analog voice signals received from the POTS telephone 25 into 64 Kbps digitally formatted voice signals" *See, col. 22, lines 33-36.* Thus, the digital/analog interface, 250 or 750, of Sansom is merely a converter, transforming the analog voice signals from the POTS telephone to a digital representation thereof. The Sansom digital/analog interface does not function as a "frequency-selective filter," as recited in claims 1 and 2.

Moreover, with respect to the 10KHz tone detector 268 relied upon by the Examiner, Sansom states that "the 10 KHz tone detector 268 is employed as a wake-up tone detector and supplies an output signal over line 262 to the microcontroller 210, in response to the network termination interface at the customer premises generating a 10 KHZ tone upon power-up." *See, col. 12, lines 41-45.* Thus, the tone detector 268 is simply a detector capable of emitting a signal

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upon the occurrence of a given event (the detection of a 10KHz tone). Sansom's 10KHz tone detector is not a frequency-selective filter.

Therefore, Sansom's failure to disclose a frequency-selective filter in parallel with a local loop generation mechanism is a second reason why independent claims 1 and 2, and dependent claims 3-15, are allowable over the cited art.

II. Rejection of Claim 16

Claim 16 was rejected under 35 U.S.C. § 102(e) as being anticipated by Sansom.

Applicants respectfully traverse the rejection. Claim 16 recites a frequency-selective communications method comprising the steps of:

providing a communications path communicating information over at least two frequency ranges concurrently, wherein the at least two frequency ranges are defined by a first frequency range and a second frequency range; and

placing a frequency selective filter in parallel with the communications path to provide for the interruption of the communications on the first frequency range while maintaining communications on the second frequency range.

As explained above in connection with the discussion of claims 1 and 2, Sansom does not teach a frequency selective filter. That fact alone renders claim 16 allowable over the cited prior art.

Moreover, Sansom does not provide a communications path communicating information over at least two frequency ranges concurrently. To the contrary, in response to a loss of power in the system, the Sansom provides an alternative, supplemental communications path. Sansom does not teach or suggest communicating information over at least two frequency ranges concurrently.

Finally, Sansom does not teach or suggest maintaining communications on the second frequency range. Instead, Sansom provides an alternative communication path, over which there

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were no communications prior to the power outage. Because communications do not occur on the alternative path until after the power outage, Sansom does not maintain communications on a second frequency range. This is a third reason why claim 16 is allowable over the cited prior art.

III. Rejection of Claim 17

Claim 17 was rejected under 35 U.S.C. § 102(e) as being anticipated by Sansom.

Applicants respectfully traverse the rejection. Claim 17 recites a frequency selective method for allowing interruption of communications within a first frequency range on a communications path while maintaining communications within a second frequency range on the communications path, comprising the steps of:

placing a local loop generation mechanism in series with the communications path; and

placing a frequency selective filter in parallel with the local loop generation mechanism.

As explained above in connection with the discussion of claims 1 and 2, Sansom does not teach a local loop generation mechanism; nor does it teach a frequency selective filter. Thus, for these same reasons, claim 17 is allowable over the cited prior art.

IV. New Claim 18

New claim 18 is directed to a method of providing uninterrupted digital communications between a central office and a customer premises comprising the following steps:

placing a local loop generation mechanism in series with a communications path between the central office and the customer, said local loop generation mechanism configured to enable local transfer of information without passing through the central office; and

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placing a frequency-selective filter in parallel with the local loop generation mechanism to provide a bypass path across the local loop generation mechanism.

As explained above in connection with the discussion of claims 1 and 2, Sansom does not teach or suggest a local loop generation mechanism or a frequency-selective filter. Therefore, claim 18 is allowable over the cited prior art for at least these reasons.

Further, claim 18 specifically recites that the local loop generation mechanism is configured to establish a closed local loop that does not pass through the central office. The monitor mechanism relied upon by the Examiner certainly does not establish a closed local loop, let alone one that does not pass through the central office. Figures 4 and 17 of Sansom, relied upon by the Examiner, show alternative communication paths between a telephone and a central office, where the alternative paths are selectively engaged by a relay. Sansom simply does not teach a local loop, let alone one that does not pass through the central office. This is yet a third reason why claim 18 is allowable over the cited prior art.

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CONCLUSION

Applicants respectfully submit that all pending claims are distinguished over the cited prior art and are otherwise in condition for allowance. Reconsideration and allowance are respectfully requested. If the Examiner has any questions or issues relating to Applicants' response, or believes that any formal matters require clarification, the Examiner is cordially encouraged to telephone the undersigned Applicants' representative. To the extent necessary, a petition for extension of time under 37 C.F.R. §1.136 is hereby made.

Any fee due with this response, including any fee for extension of time, should be charged to our Deposit Account No. 07-2347, under Order No. 00-VE13.51 from which the undersigned is authorized to draw.

Dated: September 1, 2005

Respectfully submitted,

By _____

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